

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SON HUANG NGUYEN,

Petitioner,

vs.

JOHN TILTON, Acting Director,

Respondent.

Case No: C 08-3353 SBA (PR)

ORDER

Dkt. 21, 22, 23

Good cause appearing,

IT IS HEREBY ORDERED THAT:

1. Petitioner's unopposed motion to file an amended habeas petition and related requests for extension of time are GRANTED.

2. Respondent shall file with this Court and serve upon Petitioner, within thirty (30) days of the issuance of this Order, an Answer to the amended petition which conforms in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer a copy of all portions of the relevant state records that have been transcribed previously and that are relevant to a determination of the issues presented by the petition (except to the extent that the necessary records have already been submitted to the Court).

3. If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and serving it on Respondent within thirty (30) days of his receipt of the Answer. Should Petitioner fail to do so, the amended petition will be deemed submitted and ready for decision sixty (60) days after the date Petitioner is served with Respondent's Answer.


1 4. Respondent may file a motion to dismiss on procedural grounds in lieu of an
2 Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
3 Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court
4 and serve on Respondent an opposition or statement of non-opposition to the motion within
5 thirty (30) days of receipt of the motion, and Respondent shall file with the Court and serve
6 on Petitioner a reply within fifteen (15) days of receipt of any opposition.

7 5. Extensions of time are not favored, though reasonable extensions will be
8 granted. Any motion for an extension of time must be filed no later than ten (10) days prior
9 to the deadline sought to be extended.

10 6. This Order terminates Docket Nos. 21, 22 and 23.

11 IT IS SO ORDERED.

12 Dated: March 1, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge